THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

W.P. No.22261 of 2007

Date: 17.10.2007

Between:

Balanagar Kanaka Durga Devi Temple Committee.

… Petitioner

AND

Hindustan Aeronautics Limited (HAL) and another.

… Respondents

O R D E R:

This writ petition is filed for the writ of Mandamus to declare the action of the respondents in not permitting the petitioner to perform the traditional periodical poojas as part of Dasara celebrations as illegal and for a consequential direction to the respondents to permit the petitioner to perform poojas on the open ground of Hindustan Aeronautics Limited (HAL) compound, Balanagar Village, Hyderabad.

The petitioner claims that a Temple, by name Balanagar Kanaka Durga Devi Temple, constructed on open ground of HAL compound is in existence for the last several decades and that villagers have been offering poojas to the Grama Devata, who is the presiding Deity of the Temple. The petitioner further says that in 1960s, certain lands were allotted to HAL to set up their unit and the management of HAL constructed a compound wall around the site leaving a passage from the village to the Temple. During the preceding years, the villagers have been performing poojas and Dasara celebrations on the land, around which the compound wall has been constructed by the HAL. When the petitioner made an application to the Chief Security Officer of HAL on 10.10.2007 for permission to perform poojas and

celebrations, it was rejected with an endorsement stating that due to security reasons, instructions were received from the Commissioner of Police not to permit any celebrations.

Heard the learned counsel for the petitioner and perused the record.

In the first place, the petitioner, which claims to be a committee, by name Balanagar Kanaka Durga Devi Temple Committee, has not claimed that it is a registered society. Unless, the committee is registered under the relevant provisions of law, it cannot maintain a writ petition, seeking to espouse the cause of its so-called members. Secondly, a perusal of the impugned endorsement shows that due to security reasons, the application for permission is rejected. It is not in dispute that the ground, on which the permission is sought for conducting celebrations, is in occupation of HAL. It is therefore open to the said organization to reject the request of the petitioner to hold poojas and Dasara celebrations. The petitioner failed to show any right vested in it to use the land for the aforesaid purpose and even the reasons for rejection, namely “security reasons”, do not appear to be arbitrary warranting interference of this Court under Article 226 of the Constitution of India.

For the aforementioned reasons, the writ petition is dismissed.

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(C.V.NAGARJUNA REDDY,J)

17.10.2007

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